

§8-2 CORRIDOR MAP

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[See Commentary]

§8-2-1 TITLE

This Resolution [Ordinance] shall be known and may be cited as the “Corridor Map Resolution [Ordinance] of the County [City] of _____.”

§8-2-2 PURPOSE AND INTENT

The purposes of this Resolution [Ordinance] are to implement the local comprehensive plan, especially the thoroughfare plan, by reserving land needed for future transportation facilities designated by the plan; provide a basis for coordinating the provision of transportation facilities with new development by designating corridors where the construction and improvement of transportation facilities is expected; restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map; and, protect the rights of landowners whose land is reserved on a corridor map.

§8-2-3 DEFINITIONS

Corridor Map: A map adopted by the County [City] that designates land to be reserved for the construction of future or improvement of existing transportation facilities. The corridor map establishes the width and termini of corridors as necessary to allow flexibility in planning the design of a transportation facility.

Reserved Land: Land shown on the corridor map as “reserved.”

Transportation Facilities: Streets, highways, bikeways, sidewalks, and trails.

§8-2-4 FINDINGS AND CORRIDOR MAP ADOPTION

The County [City] hereby finds that the corridor map, which is hereby attached to and made a part of this Resolution [Ordinance], is consistent in all respects with the thoroughfare plan of the county’s [city’s] comprehensive plan. The County [City] hereby adopts the corridor map. The County [City] finds that prior to adoption of the corridor map, the following actions have been taken to ensure procedural due process:

§8-2-4.1 Prior to public hearing, if the proposed corridor map includes land intended for transportation facilities to be constructed or improved by governmental units other than the County [City], the County [City] submitted a copy of the proposed corridor map to the chief executive officer of each such governmental unit and allowed 30 days for said governmental units to indicate in writing any reserved land for transportation facilities for which they are responsible that they want removed from the corridor map, in which case such reserved land has been removed from the corridor map.

§8-2-4.2 At least 15 days before the public hearing, the County Board of Commissioners [Mayor and City Council] notified the public of the date, time, place, and nature of a public hearing by publication in a newspaper of general circulation in the territory of the local government.

§8-2-4.3 The Land Use Officer notified all owners of parcels of land that include proposed reserved land of the date, time, place, and nature of the public hearing by mail at least 15 days before the public hearing.

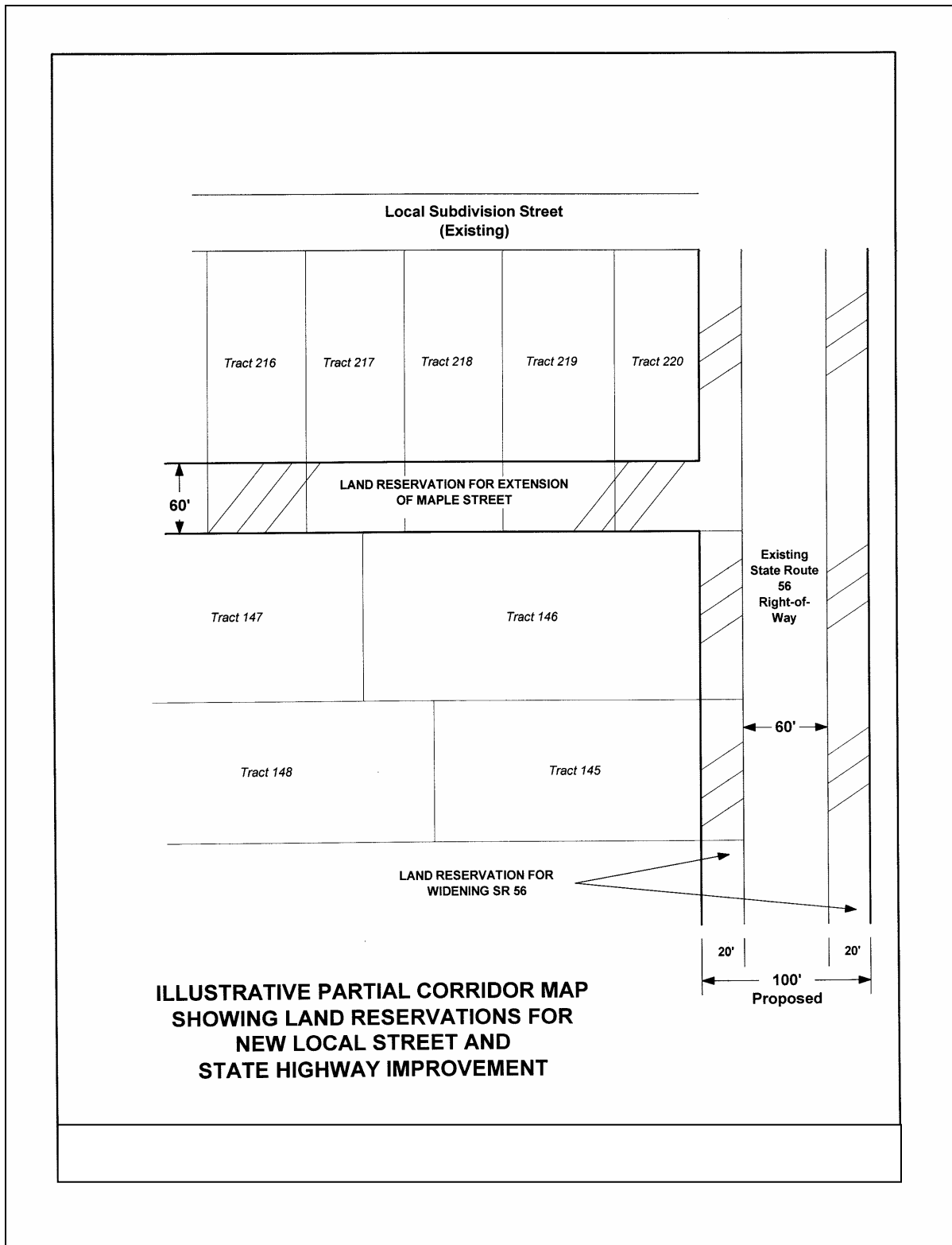
§8-2-4.4 The County Board of Commissioners [Mayor and City Council] held the public hearing at the date, time, and place advertised, and afforded all interested individuals with the opportunity to be heard concerning the proposed corridor map.

§8-2-5 GENERAL PROVISIONS

The County [City] shall not issue a Land Use Permit or any other permit for development except pursuant to the procedure and in compliance with this Section. This section does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this Section forbid or restrict development on the unreserved portion of any reserved land.

§8-2-6 LAND USE PERMIT REQUIRED TO DEVELOP RESERVED LAND

An owner of reserved land who proposes to develop reserved land shall apply to the Land Use Officer for a Land Use Permit. It shall be unlawful to carry out development upon land shown as reserved on the corridor map, without first securing a Land Use Permit as required by this Resolution [Ordinance]. (See Figure).



§8-2-7 PUBLIC HEARING AND NOTICE ON LAND USE PERMIT

Upon receiving an application for a Land Use Permit involving reserved land, the Land Use Officer shall arrange for the application to be scheduled for public hearing before the County Board of Commissioners [Mayor and City Council]. The applicant, and if land is reserved for a public use by a governmental unit other than the local government, that governmental unit, shall be notified in writing of the date, time, and place of the hearing within five business days of receipt of the application, by written mail, personal service, or facsimile, at least 15 days prior to the public hearing. The public shall be given notice by publication in a newspaper of general circulation in the territory of the local government at least 15 days prior to the public hearing of the date, time, place, and nature of the hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application, as shall any governmental unit or interested individual that has an interest in the application.

§8-2-8 ACTION

Following the public hearing, the County Board of Commissioners [Mayor and City Council] may take one of the following actions:

§8-2-8.1 Approve the Land Use Permit as proposed, with or without conditions.

§8-2-8.2 Modify the mapped corridor to remove all or part of the reserved land from the mapped corridor, and issue with or without conditions the Land Use Permit authorizing development on the land removed from the mapped corridor.

§8-2-8.3 Modify the proposed Land Use Permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.

§8-2-8.4 Delay action on the Land Use Permit for a defined period of time not to exceed six months for the purpose of any of the following:

- (a) Negotiating with the property owner for the purchase of all or a part of the reserved land by the governmental agency responsible for the transportation facilities;
- (b) Acquiring the reserved land voluntarily;
- (c) Acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; or,
- (d) Taking the reserved land through eminent domain.

§8-2-9 AUTHORITY TO ACQUIRE FOR RESERVED LAND FOR PUBLIC USE

After delaying action on the Land Use Permit by the County [City], the local government or other governmental unit responsible for the transportation facilities may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option, or it may initiate condemnation proceedings subject to applicable state law and use its powers of eminent domain.

§8-2-10 FINAL ACTION ON THE LAND USE PERMIT

If the County [City] delays action on the Land Use Permit as provided by §8-2-8.4 and the governmental agency responsible for transportation facilities on the reserved land fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed six months, then the County [City] shall approve the Land Use

**§8-2 Corridor Map
Model Land Use Management Code**

Permit, with or without conditions, or in the absence of such approval the Land Use Permit shall be deemed approved as submitted.

[See References]